

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

**JAGUAR LAND ROVER LIMITED,
a United Kingdom company,**

Plaintiff,

v.

**BOMBARDIER RECREATIONAL
PRODUCTS, a Canadian company,**

Defendant.

Case No. 2:16-cv-13386-GAD-SDD

Hon. Gershwin A. Drain

JURY TRIAL REQUESTED

**PLAINTIFF'S STATEMENT OF
CLAIMS AND DEFENSES**

Plaintiff Jaguar Land Rover (“JLR”) has sold a sports utility vehicle called the DEFENDER, as well as related goods and services, in the United States since 1992. JLR’s DEFENDER vehicle is known in the United States and around the world as one of the best off-road vehicles in its class. The United States Patent and Trademark Office issued JLR a federal registration for the DEFENDER trademark in 1993.

JLR filed this trademark infringement action against Defendant Bombardier Recreational Products (“BRP”) because in 2015 BRP began selling an off-road recreational vehicle (a side-by-side vehicle), that it also calls the DEFENDER.

BRP adopted the DEFENDER trademark without JLR's permission, and despite being fully aware of JLR's federal trademark registration and prior use of the DEFENDER trademark in connection with off-road vehicles. In fact, JLR sent BRP written notice of its objections to BRP's plans to use the DEFENDER name months before BRP began selling its vehicle. BRP could have chosen another name but refused to do so.

BRP's vehicle offers similar off-road functions, and BRP markets it to the same type of customer, using similar advertising. JLR, therefore, believes BRP's use of the identical DEFENDER trademark for an off-road vehicle creates a likelihood consumers will mistakenly believe that JLR endorses, sponsors and/or is affiliated with the BRP DEFENDER vehicle.

Respectfully submitted,

BROOKS KUSHMAN P.C.

Dated: December 28, 2018

/s/ Rebecca J. Cantor

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